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Committee on the Elimination of Racial Discrimination
Eighty-ninth session

Summary record of the 2429th meeting
Held at the Palais Wilson, Geneva, on Friday, 29 April 2016, at 10 a.m.

Chair: Ms. Crickley

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined eighteenth to twentieth periodic reports of Rwanda (continued)

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The meeting was called to order at 10.10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined eighteenth to twentieth periodic reports of Rwanda (continued) (CERD/C/RWA/18-20 and CERD/C/RWA/Q/18-30)

1. *At the invitation of the Chair, the delegation of Rwanda took seats at the Committee table.*

2. **Mr. Ngarambe** (Rwanda), responding to questions posed at the previous meeting, said that he would start with a brief clarification regarding the history of Rwanda and the composition of its population. It would be incorrect to think that there had been ethnic tensions in pre-colonial Rwanda. The population had lived mostly in harmony and had settled disputes in a peaceful manner; they had had one king, worshipped one God and shared the same language, values and culture. The divisions in society had been based on economic activity: the Batutsi raised livestock, mostly cattle, and were large landowners; the Bahutu were small farmers; the Batwa were tanners, blacksmiths, potters and basket-weavers. There had been significant inter-mingling and intermarriage between the groups. The colonial powers, influenced by a Hamitic interpretation of racial origins, had applied ethnic labels to those socioeconomic groups: the Batutsi had supposedly been Hamites originally from Abyssinia; the Bahutu, Bantus from the Lake Chad area of central Africa; and the Batwa, indigenous pygmies.

3. The real history of pre-colonial Rwanda was thus one of various groups living in one nation and sharing the same language, religion, values and culture. The racist colonial divisions had destroyed the social fabric of the nation, hindered development and increased poverty. The Batwa people, the most negatively affected, unable to survive as artisans and service-providers, had been forced to become forest-dwellers and hunter-gatherers. The end result of that imposed ethnic separation had been racial strife and genocide in Rwanda.

4. Following the genocide, the new Government, with a view to improving the lot of the Batwa, the most marginalized group, and saving them from extinction, had encouraged them to abandon their subsistence existence in the forest and accept its offer of decent housing, farmland, social services and education. While some 40 per cent of the population still lived in poverty, including many Batwa, great progress had been made and the Government hoped to reduce the poverty rate to below 20 per cent by 2020 as it worked to improve the standard of living of all Rwandans, including historically marginalized groups.

5. Turning to questions relating to statistics on the population and socioeconomic indicators, he said that the Government would continue to gather information only on the population as a whole, without reference to ethnicity or race. The fourth population and housing census, in August 2012, had included indicators relating to a number of sociocultural characteristics, one of which had been distribution of the population by nationality. It was in that context that data had been collected on dual nationality. The fourth integrated household living conditions survey had provided information for 2013-2014 on enjoyment of economic, social and cultural rights, including data on poverty, inequality, employment, living conditions, health, education, housing and household consumption.

6. With regard to the adoption of a definition of racial discrimination consistent with article 1 of the Convention, articles 15 and 16 of the Rwandan Constitution prohibited discrimination of any kind. In the area of employment and the right to work, article 12 of Law No. 13/2009 regulating labour prohibited discrimination of any type in respect of employment. That law was rigorously applied; employers guilty of a violation would be

brought before the competent authorities. Internal mechanisms also existed within various institutions and the private sector to deal with discrimination.

7. Pursuant to Law No. 84/2013 on the ideology of genocide, 150 cases had been registered between 2013 and 2014, of which 143 had gone to trial. Consultations were under way with a view to bringing the 2012 Penal Code into compliance with article 4 of the Convention; the Committee's concluding observations would be considered in that process. Measures had already been adopted to prohibit the offences mentioned in article 4.

8. The goal of the Second Economic Development and Poverty Reduction Strategy was growth and poverty reduction through economic transformation, rural development, increased productivity and youth employment, and accountable governance. The aim was to increase gross domestic product (GDP) per capita to $1,000 by 2018 and to reduce the poverty rate to less than 30 per cent and the extreme poverty rate to less than 9 per cent. That would continue the trend of the past decade of rapid growth, poverty reduction and reduced inequality. Between 2001 and 2015 GDP had increased approximately 8 per cent per year. The benefits of that growth had been shared by all population groups. More than 1 million Rwandans had been lifted out of extreme poverty over the previous 10 years.

9. With regard to the effect of development policies and programmes on the Batwa, poverty eradication policies under the first and second Economic Development and Poverty Reduction Strategies, Vision 2020 and initiatives such as *Umurenge* and *Ubudehe* were aimed at ensuring that all population groups, including historically marginalized groups such as the Batwa, enjoyed the same standard of living by 2020. The Government wished to provide all Rwandans with decent housing, water, sanitation and other services through the National Human Settlement Policy, which governed issues relating to housing. Between 2008 and 2013 the percentage of rural households living in new settlements had increased from 22 to 74 per cent; by 2020 it was expected that 65 per cent of the population would be living in the new villages, or *imidugudu*, and 35 per cent in urban areas. Where land had been expropriated, appropriate, legally established compensation had been provided without discrimination. All persons could rent, buy or sell property without discrimination.

10. Local authorities were required to facilitate access for all persons to government programmes and were accountable for ensuring the well-being of all their citizens. The Government provided funding for decentralization and regularly assessed its impact.

11. Various programmes had been undertaken to improve access to health care and education for historically marginalized groups, including the Batwa. Reproductive, maternal and child health had been prioritized in a context of major health sector reforms and decentralization. The health system had been strengthened through better planning, increased resources, evidence-based policymaking and strong community involvement. As a result, tremendous progress had been made towards universal coverage and equitable access to health care.

12. Rwanda was close to achieving universal enrolment in primary education; currently 90 per cent of primary-age girls were enrolled in school. Twelve years of basic education, including free primary education, was offered to all children. Many schools were working with the United Nations Children's Fund (UNICEF) to create child-friendly schools that promoted gender sensitivity in order to prevent girls from dropping out. The primary school dropout rate in 2013 had been 15.7 per cent among boys and 12.9 per cent among girls; at the secondary level the rates had been 14.7 per cent among boys and 14.9 per cent among girls. Students who dropped out could complete their studies later or take vocational training. The curriculum at all levels stressed combatting stereotypes and discrimination, which had helped to forge a strong national identity.

13. All citizens, including historically marginalized groups, had the right to participate in political life. Decentralization encouraged participation at the community level. Persons

from historically marginalized groups had been elected to various positions at local and national level, and the President had the power to appoint them to the Senate; currently there was one senator representing historically marginalized groups. Quotas for women and other groups in parliament had been established following a broad participatory process and were perceived by the public to be very beneficial.

14. Article 37 of the Code of Criminal Procedure guaranteed the right to legal counsel; indigent persons and minors had the right to free legal aid, and a legal aid system had been introduced to ensure access to justice for vulnerable groups. The Bar Association required its members to participate in the system. A legal aid policy had been adopted in 2014 to streamline and improve legal aid. The Ombudsman had the right to request the Supreme Court to review any court decisions deemed to be unjust. The budget of the Ministry of Justice amounted to 0.5 per cent of the national budget. Foreigners were required to post a surety in order to ensure that legal proceedings in which they were involved were seen through to conclusion.

15. The Government worked closely with the Office of the United Nations High Commissioner for Refugees and humanitarian actors to assist refugees. It was committed to the principles of non-refoulement and non-discrimination against any refugee or asylum seeker. There were currently 151,689 refugees in Rwanda, 74,516 from Burundi and 75,511 from the Democratic Republic of the Congo. The Government continued to allocate land to refugees, while also taking into account the needs of the local population and protecting the local environment. Any person having refugee status enjoyed the rights and liberties provided by Rwandan law. Refugees in camps had the right to food, shelter, health care and firewood. Refugees had some job opportunities in the camps and, once their status was regularized, could seek employment in the labour market.

16. A person seeking refugee status must be on Rwandan territory and must report to the nearest local authority, which must transfer him to the nearest immigration office within 12 hours. That office had 24 hours to register the individual, following which a 3-month residency permit was issued. The refugee's file was referred to a status determination committee within 15 days. The time limits were rigorously observed. A refugee who married a citizen was eligible to apply for naturalization. Rwanda had an open-door immigration policy that did not discriminate against any immigrant on any grounds. Rwandan returnees were provided with a reintegration package and assisted with assimilation into their former communities.

17. Responding to other questions from the previous meeting, he added that Law No. 2/2013 regulating the media established a self-regulating body of journalists to ensure compliance with the principles governing the media in Rwanda. There was no discrimination against albinos. Rwanda was committed to carrying out the Programme of activities for the implementation of the International Decade for People of African Descent at the national, regional and international levels.

18. **Ms. McDougall** said that the information provided on the history of social stratification in Rwanda had been very instructive. The State party had made great strides towards the elimination of poverty through economic growth and increased prosperity for all groups in society. She would, however, like more information on the impact of the many programmes implemented for that purpose. The Committee had an obligation to monitor not only de jure racial discrimination, but also any negative effects of programmes and policies on vulnerable groups.

19. She would like to know whether the Government acknowledged that there was still discrimination against the Batwa in Rwandan society and whether those discriminatory attitudes might influence the way in which local authorities distributed the benefits of government programmes. Might there be institutional racism that could be creating barriers

for some groups? If so, how could the State party remedy that problem without conducting impact assessments at the local level to determine whether all social groups were benefiting equally from government programmes?

20. As she understood it, groups and individuals had the right under international law to assert their own identity; an identity could not be imposed or controlled by a government. While it was easy to see why the State party wished to eliminate notions of ethnicity and race in Rwandan society, the Batwa had a right to self-identify as an indigenous group. Moreover, a diverse society could and should be a positive thing, with different groups and cultures contributing to a better society.

21. **Mr. Ngarambe** (Rwanda) said that he fully agreed that it was important not just to have good intentions but also to make a real impact. His Government had put in place an innovative governance system that was based on participation, measurable objectives and regular evaluation. Local governments were held fully accountable for the actions they took to benefit the people in their communities and were responsible for ensuring the welfare of the most vulnerable groups.

22. Each year the local governments publicly took stock of what they had accomplished, and the people in communities were encouraged to comment and raise objections if any of the claims made were not based on fact. Tremendous results had been achieved through that mechanism, and it was hoped that by 2020 extreme poverty would be nearly eradicated and all Rwandans would have been raised to the same economic level.

23. A distorted version of history had been imposed on and accepted by the Rwandan people, resulting in racism, hatred and discrimination. Current efforts were aimed not at imposing a new identity on the people, but rather on educating them about their country's true history and values, so that they would embrace their real identity, which was first and foremost that of being Rwandan. Rwandan culture had been homogenous from time immemorial; the Rwandan people shared the same language, belief and customs. There were no indigenous peoples in Rwanda, since no group could claim to have been there any longer than others.

24. **Mr. Avtonomov** asked whether there had been any discussion within the State party about the possibility of ratifying the amendment to article 8 of the Convention and, if so, whether any decision had been taken on the matter. He also asked whether the State party intended to make the optional declaration provided for in article 14 of the Convention.

25. **Mr. Murillo Martínez** said that he wished to know more about the reconciliation process in Rwanda and about how successful it had been in healing the wounds left by the genocide. He would also like clarification of whether the genocide ideology cases to which the head of delegation had referred were specifically connected to the genocide or were more general cases of discrimination.

26. **Mr. Ngarambe** (Rwanda) replied that the cases were directly related to the genocide. He had taken note of the questions concerning the amendment to article 8 of the Convention and the declaration provided for in article 14 and would forward them to State authorities in Rwanda for a response.

27. One of the biggest challenges faced by Rwanda after the genocide had been that of rebuilding as a united country. Tremendous progress had been made in that regard. The testimonies and memories of those involved in the genocide had served as the foundation for building the country's future. The top priority had been to serve justice and avoid retaliation.

28. Given the vast numbers of people involved, it would have been impossible to bring them all to justice through a traditional court system. The solution that had been found was an innovative form of justice that focused on bringing the truth to light, punishing the

perpetrators and providing support to the victims. It had served as a healing process for both perpetrators and survivors and enabled them to resume normal life in their communities. The Government was also making parallel efforts to educate people about their real history and teach them to live together peacefully and build a new nation. Thus far, Rwanda was 80 to 85 per cent of the way towards achieving its objective of full reconciliation. It was now a very safe country, where security was guaranteed for everyone and the Government, police force, justice system and other authorities were trusted by the people.

29. **Ms. Shepherd** asked who was involved in rewriting Rwandan history in a way that highlighted the country's historical unity. While she understood why the Government felt the need to forge a single Rwandan identity, she wondered to what extent it was attempting to force compliance, for example with regard to religious beliefs. To what extent were indigenous beliefs respected? She would like more information on how the Government ensured that all groups were able to participate in political and economic life on an equal footing and that structural discrimination or historical barriers did not impede their participation. She also wished to know what efforts were being made to ensure that the curricula used in the education system matched the needs of the labour market. Lastly, she asked whether there had been a dispersal of people from current-day Rwanda at the time of the colonial division of Africa in the 1880s and, if so, whether any of the descendants of those people were attempting to return to Rwanda. If so, she wished to know how they were integrated into Rwandan society.

30. **Mr. Khalaf** requested clarification as to whether the women elected to parliament were elected by the general public or only by other women. He also asked whether the State party planned to allocate additional land to refugee camps in order to meet minimum standards for the amount of space per person in such camps.

31. **Mr. Ngarambe** (Rwanda) said that his Government firmly believed in the value of learning one's own history. Rwandan historians, both those living in the country and others living abroad, had made great contributions to the efforts to bring that history to light. Additional support had been provided by experts from all over the world who were working to write and disseminate Rwandan history in an objective and scientific manner. By listening to the testimonies of elders, historians had gradually reached consensus about the country's true history, which was now part of the school curriculum.

32. The Government's current efforts were aimed not at forging a new united Rwanda but at recreating the original united Rwanda that had been dismantled by colonial powers. In pre-colonial times, there had been no religion per se in Rwanda. All Rwandan people had shared a belief system and a practice of praying to God through the intercession of their dead ancestors, but without any formal religion.

33. Rwanda aimed to become a middle-income country by 2020 and to develop a knowledge-based economy with a strong focus on the services sector. He agreed that the education system must be geared towards skill development and capacity-building that dovetailed with industry needs.

34. Historically, Rwanda had been much larger than was currently the case, and there were many Kinyarwanda speakers who shared Rwandan culture living in neighbouring countries. Members of that diaspora were free to come to Rwanda and claim their Rwandan nationality. They were not discriminated against in any way; on the contrary, they were most welcome.

35. In total, 64 per cent of Rwandan parliamentarians were women, the highest percentage of female lawmakers in the world. Under the Constitution, at least 30 per cent of parliamentarians must be women. They were elected by the general population on the basis of their qualifications and electoral platform. However, in order to ensure that the quota

was met, special elections were held in which only women voted to elect the requisite number of parliamentarians from a slate of female candidates. The same practice was followed in elections of parliamentarians belonging to other special categories for which the Constitution established quotas.

36. There was enormous demographic pressure on Rwanda owing to its topography and the huge numbers of displaced persons welcomed by the Government, which fully respected the principle of non-refoulement. Specific data on refugee camp occupancy rates would be transmitted to the Committee in due course.

37. **Ms. Mohamed** asked whether foreign men and women married to Rwandan citizens were granted Rwandan nationality on an equal basis, whether nationality was granted automatically once applicants had completed the necessary formalities and whether any measures had been taken relating to the expropriation of land belonging to the Batwa.

38. **Mr. Amir**, stressing the importance for a nation of collective remembrance of the past, said that it was essential to commemorate those who had died in the Rwandan genocide. He asked whether genocide victims were buried in special cemeteries, whether the graves of unidentified victims were marked as such, whether cemeteries contained memorials to the victims, whether they were buried by family members and whether young persons were taken to visit their graves in order to ensure that the genocide was not forgotten.

39. **Mr. Ngarambe** (Rwanda) said that foreign men and women married to Rwandan nationals were automatically granted Rwandan nationality once the appropriate formalities had been completed. As to the question of the so-called Batwa lands, societal and economic shifts had left some small groups of Batwa potters and basket-weavers unable to make a living, and they had resorted to living as hunter-gatherers in the forests. Prior to Government intervention, those groups had not had any access to health-care services, vaccinations or clothing and had been at risk of dying out as a group. The forests had never belonged to the Batwa because they had not really settled in or exploited them, living instead in temporary, makeshift shelters. Therefore, they had not been paid compensation upon being relocated, but were, rather, being gradually reintegrated into society and provided with housing and, in some cases, plots of land. They also received education and health-care services.

40. Many of the victims of the Rwandan genocide had suffered torture and humiliation, before being murdered and thrown into mass graves, and it was vital to restore their dignity and humanity. Accordingly, the remains of victims had been exhumed, identified, washed, placed in coffins and buried in memorial cemeteries across the country, which were legally protected in perpetuity and were located near to major roads and clearly signposted. Centres had been set up to provide visitors with information on the genocide. Foreign and official visitors to Kigali were encouraged to visit the city's genocide memorial. Memorials served to combat genocide denial and remind people of the need not only to remember the dead but also to show solidarity towards those who had survived and help them to bear witness to their suffering, overcome its after effects and take part in the rebuilding of the country. Some Rwandan genocide memorials had been nominated for recognition by the United Nations Educational, Scientific and Cultural Organization as World Heritage sites.

41. **Mr. Marugán** said that the Rwandan authorities were to be congratulated on their efforts to improve living conditions in the country. He asked whether steps had been taken to disseminate legislation on racial discrimination, particularly among the Batwa, and to inform the latter of all the legal remedies available to them, in line with the recommendation contained in the Committee's 2011 concluding observations on the State party's previous report. He would also like to know whether the national authorities had contacted NGOs representing the Batwa and other communities with regard to possible

offences of sectarianism, discrimination and incitement of racial hatred; whether there were any plans to provide specific training to police officials and public prosecutors dealing with victims of those offences; and whether provision had been made for administrative offences or disciplinary proceedings relating to discrimination carried out by members of the armed forces, law enforcement officials or in the fields of education or employment. Additional information on specific measures taken to combat discrimination in employment as a part of the National Employment Policy would be welcome. He also wondered whether the Labour Code provided for offences of discrimination and whether the Labour Inspector, the Ombudsman or any other body had put in place policies to provide training on, raise awareness of and combat offences of discrimination.

42. **Mr. Kemal** said that further research into the history of Rwanda might throw more light on the origins and problems of the Batwa. When tackling issues affecting small, vulnerable communities that were spread across a large area, such as the Batwa, a decentralized approach could lead to uneven treatment of the target population. It might be more effective to designate a high-level body with the power to exercise active oversight, remedy injustices and take special measures to assist the group concerned.

43. **Mr. Ngarambe** (Rwanda) said that information on the Convention had been disseminated across the country and national educational programmes on citizens' rights and duties were offered at the local level. The Penal Code was being revised, and the Government had undertaken to bring it fully into line with article 4 of the Convention. Measures had been taken to ensure transparency in the public and private sectors in order to prevent discrimination. Access to employment in the public sector and to educational opportunities was based on merit and such opportunities were advertised. Competitive examinations for positions were run by an independent body and the names of candidates were not disclosed until the final results were known. People were informed of their rights and of how to report discrimination by police officials, members of the armed forces or employers. A telephone hotline had been set up to enable complaints of discrimination to be filed; complainants could initiate legal action and had access to legal aid.

44. A good example of an effective government initiative to help the most vulnerable members of society was the community-based health insurance programme. The cornerstone of the programme was ensuring equity in health care for all persons, so that everyone received the same benefits regardless of ability to pay. The premium was based on income, with the richest paying the most and the poorest the least. The Government paid the insurance contributions of those who could not afford it.

45. As to the effectiveness of the National Decentralization Policy, evaluation of the policy was carried out through a participatory process that involved local authorities and the local population. The policy was defined at the national level but implemented by local authorities who were in close contact with the people. The financial resources necessary for the policy's implementation were allocated from the national budget by the central authority, which also exercised oversight and provided support for implementation.

46. **Mr. Yeung Sik Yuen** enquired whether the Gacaca courts had kept records of trials and whether the decisions of those courts could be appealed. If no records had been kept, he did not see how it would be possible to mount an appeal.

47. **Mr. Cali Tzay** said that he was concerned that some of the State party's policies in respect of the indigenous Batwa people might reflect a lack of understanding of their world view and way of life. The head of delegation had indicated that the Batwa had not been compensated for their lands because they had never exploited those lands. However, indigenous people lived as one with nature; they did not seek to exploit it. Similarly, the notions of land ownership and legal title were foreign to them. While the State party's efforts to provide suitable housing for the entire population were laudable, they might not

be in line with the Batwa's preferred way of life. Attempts to settle the Travellers in fixed dwellings in the United Kingdom and Ireland, for example, had failed for that reason. He wondered whether some of the State party's policies were in fact policies of acculturation that, while well-intended, might have a negative effect on some members of the population.

48. **Ms. Hohoueto** said that she would appreciate a comment on the function of the mediation committees. She was concerned that they might be serving as a filter that prevented cases from being brought to trial. If that was indeed the case, it impeded access to justice in Rwanda. She would also like to know whether there was a body responsible for assessing the constitutionality of laws. She remained concerned about lack of impartiality in the primary and intermediate courts, in which a single judge was responsible for prosecuting, investigating and ruling on cases. The single-judge system was particularly worrying with regard to the intermediate courts, which tried cases of genocide and crimes against humanity.

49. **Mr. Ngarambe** (Rwanda) said that comprehensive pretrial and trial records had been kept on cases heard by Gacaca courts. A national institution had been established to administer the Gacaca system, and one of its main roles had been to keep records. Those records had proved useful for appeals. Although attempts to force the assimilation of indigenous peoples with a different culture, language and way of life generally ended in failure, that was not what was happening in Rwanda. The people of Rwanda shared the same language, habits and culture. The Government was not seeking to impose assimilation and force people to embrace a particular identity, but rather to foster discussion and agreement on a common national identity.

50. The mediation committees did not work as a barrier to justice, as the parties in a case were always free to pursue further legal action if they were not satisfied with the decision of a mediation committee. Moreover, the committees were not empowered to hear all cases; criminal matters, for example, were tried in the courts. There was at present no specific body responsible for assessing the constitutionality of laws or judicial rulings. The judges of the Supreme Court performed that function.

51. The current one-judge system in intermediate and primary courts had been implemented after a three-judge system had proved ineffective. The single-judge system served to expedite procedures and also fostered greater accountability and respect for the law because the judges' work was monitored by the Supreme Court. He clarified that intermediate and primary court judges were not responsible for investigation, which was handled by the police and the prosecutor.

52. **Ms. Hohoueto** said that the Committee admired the State party's ability to overcome the atrocities of the 1994 genocide and to rebuild the country. She was reassured to learn that a mechanism was in place to measure the effectiveness of the various government programmes and policies. However, she remained concerned about the Government's approach to historically marginalized groups, who were treated in the same manner as other social groups although they lagged behind in areas such as education. Special measures were needed for such groups to bring them to the same level as other social groups so that they could then benefit in the same way from government assistance programmes. The Committee hoped to see special measures implemented for the benefit of the Batwa people. The Committee would also welcome statistics on access to justice, in particular complaints of discrimination lodged with the courts, the police, the National Commission for Human Rights and the Ombudsman.

53. **Mr. Ngarambe** said that he would ensure that the Committee received any additional information requested. Its concluding observations and recommendations would be forwarded to officials in Rwanda for action.

The meeting rose at 12.45.